

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS DIVISION**

DAVID C. GEVAS, #B-41175,)	
)	
Plaintiff,)	
)	
-vs-)	No. 10-493-MJR
)	
DERWIN RYKER, HARRINGTON,)	
J. BROWN, C. VAUGHN,)	
L. WALTERS and T. COX,)	
)	
Defendants.)	

MOTION FOR SUMMARY JUDGMENT

Now come the Defendants, JEREMIAH BROWN, NOBLE HARRINGTON, LEE RYKER and CECIL VAUGHN, by and through their attorney, Lisa Madigan, Attorney General for the State of Illinois, and pursuant to Rule 56 of the Federal Rules of Civil Procedure and SDIL-LR 7.1, hereby respectfully move this Honorable Court to grant their Motion for Summary Judgment in this matter. In support, Defendants state the following:

1. Plaintiff is an inmate within the Illinois Department of Corrections (IDOC) and filed the instant action pursuant to 42 U.S.C. §1983 regarding his claims that Defendants were deliberately indifferent to unsanitary cell conditions.
2. Plaintiff has failed to exhaust his administrative remedies as is required by §1997e(a) of the Prison Litigation Reform Act (42 U.S.C. §1997e(a)).
3. Filed contemporaneously herewith and incorporated herein is Defendants' memorandum of law in support of this motion.

WHEREFORE, for the above and foregoing reasons, Defendants respectfully request this Honorable Court enter summary judgment in their favor and grant any further relief the Court deems necessary and proper.

Respectfully submitted,

JEREMIAH BROWN, NOBLE HARRINGTON,
LEE RYKER and CECIL VAUGHN,

Defendants,

LISA MADIGAN, Attorney General,
State of Illinois,

Attorney for the Defendants,

s/ Melissa A. Jennings

Melissa A. Jennings, #6300629

Assistant Attorney General

500 South Second Street

Springfield, IL 62706

Phone: (217) 782-9056

Fax: (217) 782-8767

E-Mail: mjennings@atg.state.il.us

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CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2011, I electronically filed Defendants' Motion for Summary Judgment, with the Clerk of the Court using the CM/ECF system, which will send notification of same to the following: NONE,

and I hereby certify that on the same date, I mailed by United States Postal Service, the described document to the following non-registered participant:

David C. Gevas, #B41175
Stateville Correctional Center
P. O. Box 112
Joliet, IL 60434

Respectfully submitted,

LISA MADIGAN, Attorney General,
State of Illinois,

s/ Melissa A. Jennings
Melissa A. Jennings, #6300629
Assistant Attorney General
500 South Second Street
Springfield, IL 62706
Phone: (217) 782-9056
Fax: (217) 782-8767
E-Mail: mjennings@atg.state.il.us